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| EXAMINER |
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BOLOTIN, DMITRIY

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| ART UNIT | PAPER NUMBER |
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2629

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12/29/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/596,299 | Applicant(s) LANGLOIS, DANIEL | |
| | Examiner Dmitriy Bolotin | Art Unit 2629 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12, 14, 21, 23, 29, 33-36 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 14, 21, 23, 29, 33-36 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

It would be of great assistance to the Office if all incoming papers pertaining to a filed application carried the following items:

1. Application number (checked for accuracy, including series code and serial no.).
2. Group art unit number (copied from most recent Office communication).
3. Filing date.
4. Name of the examiner who prepared the most recent Office action.
5. Title of invention.
6. Confirmation number (See MPEP § 503).

Status of Claims

1. **Claims 30 and 39** have been canceled, **claims 1 – 3, 23 and 29** have been amended, and **claims 1 – 10, 12, 14, 21, 23, 29, 33 – 36 and 38** are pending.

Response to Arguments

2. Applicant's arguments, see page 7 of REMARKS, filed 10/07/2009, with respect to drawings objection have been fully considered and are persuasive. The objection to the drawings has been withdrawn.

3. Applicant's arguments, see page 8 of REMARKS, filed 10/07/2009, with respect to specification objection have been fully considered and are persuasive. The objection to the specification has been withdrawn.

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4. Applicant's arguments, see page 8 of REMARKS, filed 10/07/2009, with respect to claim rejections under 35 USC § 112 have been fully considered and are persuasive. The rejection under 35 USC § 112 of claims 23 has been withdrawn.

5. Applicant's arguments filed on 10/07/2009 with respect to claim rejections under 35 USC § 103 have been fully considered but they are not persuasive. Applicants argument with respect to common ownership of present application and reference by Langlois (WO 03/079319) cannot overcome Langlois reference used in the rejection under 35 USC § 103 since Langlois reference is used under 35 USC § 102(b) date. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 :

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

In this case, the WIPO reference was published on 09/25/2003 which was more than one year prior to effective filing date of instant application for patent in the United States.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. **Claims 1 – 10, 12, 14, 21, 23, 29, 34 – 36, and 38** are rejected under 35 U.S.C. 103(a) as being unpatentable over Langlois (WO 03/079319) as applied to in view of Glass (US 2005/0048987).

As to **claim 1**, **claim 12** (dependent on 10), **claim 14** (dependent on 12), **claim 21** (dependent on 10) and **claim 23** (dependent on 21), Langlois discloses a portable display system arranged to be carried and manipulated by a human operator (as shown in fig. 6), said portable display system comprising: a. a display device capable of displaying an output message (display 70 of fig. 6); b. a media generating means (media generating means 110 of fig. 3) connected to said display device and capable of generating an output message (media generating means can play back a video program, page 3, line 25); c. power supply means (power supply 130 of fig. 3) able to provide electrical power to said portable display system (page 3, lines 29 - 30); d. a transport means (backpack 40 of fig. 3) adapted to transport said media generating means and said power supply means (as shown in fig. 3, power supply 130 and media generating means 110 are contained with backpack 40) and adapted to be carried by

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said human operator (as shown in fig. 6), said transport means comprising: i. a support structure (frame 20 and base support means 30 of fig. 1); ii. a plurality of fastening means (straps 100 and 102 of fig. 1).

Langlois discloses a user (audience, page 5, line 8) being different from said human operator (human being wearing audiovisual equipment, page 5, line 6), but fails to disclose, e. a command means for generating an input command from a user, said command means being connected to said media generating means; wherein said output message displayed by said display device and generated by said media generating means can be interactively modified upon the generation of said input command. Langlois also fails to disclose that said command means connected with wires or wirelessly to said game console or to said portable computer, wherein said command means are a joystick or a game pad or a remote control or a gyroscopic mouse or a keyboard or a touchscreen; and that the system, further comprising wireless communication means connecting said game console or said portable computer to a computer network, wherein said wireless communication means is a Radio-Frequency (RF) communication system.

In the same field of endeavor, Glass discloses e. a command means (wireless keyboard 704 of fig. 7) for generating an input command from a user (inherent purpose of a mouse), said command means being connected to said media generating means (via wireless link, [0002]); wherein said output message displayed by a display device and generated by said media generating means can be interactively modified upon the generation of said input command (a keyboard inherently modifies the displayed

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information). Langlois also discloses that said command means (wireless keyboard 740 of fig. 4) connected wirelessly to computer (computer 700 of fig. 7), wherein said command means is a keyboard (keyboard 740 of fig. 4); and that the system, further comprising wireless communication means (Wireless fidelity connection, [0024]) connecting said computer to a computer network [0024], wherein said wireless communication means is a Wi-Fi communication system [0024] (inherently, Wi-Fi communication system is a Radio-Frequency (RF) communication system).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Langlois by providing the command means and communication means disclosed by Glass, so as to be able to interact wirelessly with the media generating means.

As to **claim 2** (dependent on 1), Langlois discloses a portable display system, further characterized in that said support structure (frame 20 and base support means 30 of fig. 1) comprises a support frame (frame 20 of fig. 1) and a base support means (30 of fig. 1) fixedly mounted thereto, and in that said transport means further comprises a carrying sack (sack 40 of fig. 1) fixedly mounted to said support frame (frame 20 of fig. 1).

As to **claim 3** (dependent on 1), Langlois discloses a portable display system, further characterized in that said transport means further comprises: a. an elongated support member (hollow tube 50 of fig. 1) having first end and second end, said second end being fixedly attached to said support structure (base support means 30 of fig. 1); b.

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mounting means (connecting means 60 of fig. 1) for attaching said display (display device 70 of fig. 1) device to said elongated member first end (hollow tube 50 of fig. 1).

Langlois fails to disclose said second end of the support member being fixedly attached to said support frame. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to attach the second end of the support member directly to the support frame instead of the base support as disclosed by Langlois, so as to reduce the amount of parts required, thus reducing the cost of overall device.

As to **claim 4** (dependent on 2), Langlois discloses a portable display system, further characterized in that said transport means further comprises: a. an elongated support member (hollow tube 50 of fig. 1) having first end and second end, said second end being fixedly attached to said base support means (base support 30 of fig. 1); b. mounting means (connecting means 60 of fig. 1) for attaching said display device (display device 70 of fig. 1) to said elongated member first end (hollow tube 50 of fig. 1).

As to **claim 5** (dependent on 1), Langlois discloses a portable display system, wherein said display device is a liquid crystal display (LCD) screen (LCD display page 5, line 32).

As to **claim 6** (dependent on 1), Langlois discloses a portable display system, wherein said media generating means (DVD player or portable computer, page 3, lines 18 and 19) comprises media processing means (inherently a computer or a DVD player comprises a processor).

As to **claim 7** (dependent on 6), Langlois discloses a portable display system, wherein said media generating means further comprises a digital media player (DVD player, page 3, lines 18 and 19).

As to **claim 8** (dependent on 1), Langlois discloses a portable display system, wherein said media generating means comprises: a. a digital media player (DVD player or portable computer, page 3, lines 18 and 19); b. media processing means (inherently a computer or a DVD player comprises a processor).

As to **claim 9** (dependent on 8), Langlois discloses a portable display system, wherein said digital media player is a digital versatile disk (DVD) player (DVD player, page 3, lines 18 and 19).

As to **claim 10** (dependent on 6), Langlois discloses a portable display system, wherein said media processing means is a portable computer (portable computer, page 3, lines 18 and 19).

As to **claim 29** (dependent on 1), Langlois discloses a portable display system, wherein said portable display system further comprises speaker (speaker 120 of fig. 3) connected to said media generating means (DVD player or portable computer, page 3, lines 18 and 19).

As to **claim 34** (dependent on 2), Langlois discloses a portable display system, wherein said carrying sack (sack 40 of fig. 1) is a shell made of rigid material (hard plastic shell, page 3, line 18).

As to **claim 35** (dependent on 34), Langlois discloses a portable display system, wherein said rigid material is a hard plastic (hard plastic shell, page 3, line 18).

As to **claim 36** (dependent on 1), Langlois discloses a portable display system, further comprising: a. an telescopic pole having first end and second end (telescoping pole 140 of fig. 4); b. mounting means for attaching said display device to said telescopic pole first end (display may be mounted on a telescoping pole, page 4, lines 6 – 8); wherein said telescopic pole can be used by said human operator to carry said display device or to support said display device on the ground (explicitly shown in fig. 4).

As to **claim 38** (dependent on 36), Langlois discloses a portable display system, wherein said display device is a projector (projector 150 of fig. 4).

9. **Claim 33** is rejected under 35 U.S.C. 103(a) as being unpatentable over Langlois in view of Glass and McCormack et al. (US 2003/0172138).

As to **claim 33** (dependent on 1), Langlois discloses a portable display system, but Langlois in view of Glass fails to disclose the system further comprising short message service (SMS) and multimedia message service (MMS) interface means connected to said media generating means.

In the same field of endeavor, McCormack discloses a system further comprising short message service (SMS) and multimedia message service (MMS), [0016] interface

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means (device communication module 338 of fig. 3, [0102]) connected to said media generating means (processor 302 of fig. 3).

Therefore, it would have been obvious to one of ordinary skill in the art the time of the invention to modify the device of Langlois in view of Glass by adding the message service interface means, so as to accommodate a plurality of options given to users by service providers (McCormack, [0016]).

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitriy Bolotin whose telephone number is (571)270-

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5873. The examiner can normally be reached on Monday-Friday, 8:00 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on (571)272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. B./

Examiner, Art Unit 2629

/Amare Mengistu/
Supervisory Patent Examiner, Art Unit 2629